

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78916 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- BHARGAMA District- Araria

1. Chandeshwari Yadav Son Of Sugdeo Yadav @ Sukdeo Yadav Resident Of Village - Raghunathpur Uttar, Ward No.15, P.S. - Bhargama, District - Araria
2. Arvind Yadav Son Of Chandeshwari Yadav Resident Of Village - Raghunathpur Uttar, Ward No.15, P.S. - Bhargama, District - Araria
3. Lalan Yadav @ Lalan Kumar Son Of Harinandan Yadav Resident Of Village - Raghunathpur Uttar, Ward No.15, P.S. - Bhargama, District - Araria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-03-2024 1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. At the outset, learned counsel for the petitioners submitted that bail application of petitioner nos. 2 and 3, namely, Arvind Yadav and Lalan Yadav @ Lalan Kumar has already been withdrawn vide order dated 08.12.2023, and as such, this application survives only for petitioner no. 1, namely, Chandeshwari Yadav.

3. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Bhargama P.S. Case



No. 207 of 2023, registered for the offences punishable under Sections 341, 323, 324, 307, 354(B), 379, 504, 506/34 of the Indian Penal Code.

4. The allegation against above named petitioner is to assault informant and others alongwith co-accused persons/family members, causing head and bodily injuries, having intention to cause their death, where occurrence is alleged to be arises out of land disputes.

5. Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight in nature, where both parties received injuries and for the same set of occurrence petitioner's side also lodged a case bearing Bhargama P.S. Case No. 208 of 2023 against the informant. It is submitted that the allegation to cause bodily injuries available against co-accused Arvind Yadav, who is now no more petitioner, where allegation against petitioner is limited only to outrage the modesty during the course of occurrence. Petitioner is a man of clean clean antecedent.

6. Learned APP opposes the prayer of bail.

7. Considering the aforesaid facts and circumstances, as allegation of assault is not available against petitioner, who is a man of clean antecedent, accordingly, above named petitioner,



in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Araria/concerned Court, where the case is pending in connection with Bhargama P.S. Case No. 207 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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